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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,961

Applicant(s)

SUHMOON, HOON

Examiner

Kambiz Abdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-7 and 13 have been examined and are pending.

Election/Restrictions

2. Claims 8-12 and 14 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected embodiments of 2 and 3, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 25 May 2005.

Priority

3. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.
4. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed on 16 February 2001.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Regarding claims 1 and 7, the word "means" is preceded by the word(s) "cyber payment" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).
7. Claims 2-6 and 13 are dependent upon rejected claims 1 and 7, therefore they are rejected based on the rationale stated above.

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Claim Rejections - 35 USC § 101

8. Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim as it has been presented in its current form is directed to steps that do not produce a concrete, tangible, and useful result. The steps of receiving information from a user and storing such data in a database, and further the step of storing another piece of data such as a "cyber payment means" in the database does not produce any concrete, tangible, and useful result.
9. Claims 2-6 are dependent upon rejected claims 1, therefore they are rejected based on the rationale stated above.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,963,843 to Yuichi Takatsu.

12. As per claims 1 and 7, Takatsu clearly teaches method and system for issuing cyber payment means marked with business identification information and processing transactions with the cyber payment means on a computer network, the method comprising the steps of:

(a) a server computer on the computer network, receiving information including business identification information and a number of a current account from a user and storing the information by

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user in a database managed by the server computer (See Takatsu figures 2-7 and associated text and column 2, line 30- column9, line 28, column 12, lines 14-68);

(b) at the request of a user accessing the server computer, issuing a cyber payment means marked with at least a unique number of the cyber payment means, a business identifier of the corresponding user, and an amount of money, and storing the issued cyber payment means by user in the database (See Takatsu figures 2-7 and associated text and column 2, line 30- column9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5); and

13. (c) first user, who has the issued cyber payment means, performs payment to a second user, using the cyber payment means when the first user is connected to the server, the cyber payment means being moved from the first user to the second user inside of the database (See Takatsu figures 2-7 and associated text and column 2, line 30- column9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5, and column 15, lines 37-51).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,963,843 to Yuichi Takatsu.

16. As per claims 2 and 13, Takatsu clearly teaches method and system of claims 1 and 7, though Takatsu is not specific or explicit that the electronic money could be an electronic check, However, it is clearly within one skill in the arts knowledge as well as ordinary practice in the financial environment to know that a payment in virtual environment or real physical world can be made by credit cards, money

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order, checks and many other instruments. To support this it can be clearly evidenced by teachings of the "Electronic Payment Systems" and "Understanding Electronic Commerce". Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to use many varieties of payment instruments to make it easier for the payer to make payments to others that having different and diverse payment receivables and it makes conducting business more diversified as the number of parties increase in the provider side.

Further, Takatsu teaches that the amount of money is within a withdrawal limit of the current account of the corresponding user (See Takatsu column 14, lines 48-52).

17. As per claims 3-6, Takatsu clearly teaches method of claim 2, wherein the step (c) includes one or more of the steps:

(c 11) receiving input of a cyber check to be divided from the first user (See Takatsu figures 2-7 and associated text and column 2, line 30- coulumn9, line 28, column 12, lines 14-68, column 16, line 48- column 19, line 55 and column 21, lines 40-52);

(c 12) receiving input of the business identifier of a second user to be paid with a cyber check resulting from the division of the cyber check input in step (c 11), and the amount of money of the cyber check resulting from the division (See Takatsu figures 2-7 and associated text and column 2, line 30- coulumn9, line 28, column 12, lines 14-68, column 16, line 48-column 19, line 55 and column 21, lines 40-52);

(c13) issuing a cyber check resulting from the division of the cyber check input in step (c 11) with a newly assigned check number, corresponding to business identifier and divided money input in the step (c 12) (See Takatsu figures 2-7 and associated text and column 2, line 30- coulumn9, line 28, column 12, lines 14-68, column 16, line 48-column 19, line 55 and column 21, lines 40-52); and

(c14) receiving a request from the first user for payment to be performed using the divided cyber check issued in the step (c 13) (See Takatsu figures 2-7 and associated text and column 2, line 30-

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column 9, line 28, column 12, lines 14-68, column 16, line 48-column 19, line 55 and column 21, lines 40-52).

(c21) receiving input of cyber checks to be combined from the first user (See Takatsu figures 2-7 and associated text and column 2, line 30- column 9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5, and column 15, lines 37-51);

(c22) receiving input of business identifier of a second user to be paid with the combined cyber check after combination, from the first user (See Takatsu figures 2-7 and associated text and column 2, line 30- column 9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5, and column 15, lines 37-51);

(c23) issuing a combined cyber check marked with the sum of money of cyber checks to be combined, business identifier of the second user to be paid, and a newly assigned check number (See Takatsu figures 2-7 and associated text and column 2, line 30- column 9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5, and column 15, lines 37-51); and

(c24) receiving a request from the first user for payment to be performed using the combined cyber check issued in the step (c23) (See Takatsu figures 2-7 and associated text and column 2, line 30- column 9, line 28, column 12, lines 14-68, column 13, line 17- column 15, line 5, and column 15, lines 37-51).

18. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is ((571)272-6702. The examiner can normally be reached on 10 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammell P. James can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kambiz Abdi
Primary Examiner
AU 3621

KAMBIZ ABDI
PRIMARY EXAMINER

March 10, 2006